

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 16, 2000

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J. and Connie Hon, Deputy Clerk.

Each of the following:

B130581 Consolidated Reconveyance V. Anaya

B131848 Glickman v. Lapin

B133648 D.C.F.S. v. Kevin S.

B137565 Larry W. v. S.C.L.A. (D.C.F.S.)

B137741 Carlos A. v. S.C.L.A. (D.C.F.S.)

Argument waived, cause submitted.

B128726 Richardson
 v.
 The Aerospace Corporation

Merits:

Argued by Mary B. Kolakosky for respondent and no appearance for appellant. Cause submitted.

B130849 Chemi et al.
 v.
 CNA Insurance Company Of California

Merits:

Argued by Demetrios Papanikolas for appellants and by Gretchen S. Carner for respondent. Cause submitted.

DIVISION ONE (Continued)

B127439 Curran et al.
 v.
 Mitsubishi Motors Corporation of America et al.

Merits:
Argued by Arnold M. Notkoff for appellants and by Joel J. Bernstein for respondents. Cause submitted.

B129002 Pasori et al.
 v.
 Santa Monica Rent Control Board
 Smith

Merits:
Argued by Gordon P. Gitlen for appellants and by Doris M. Ganga for respondent and by Sonya Bekoff Molho for real party in interest. Cause submitted.

B128403 Plaza Del Amo
 v.
 Parsa et al.

Merits:
Argued by Melissa Grossan for appellants and no appearance for respondent. Cause submitted.

Vogel (Miriam A.), J. leaves the bench.

B124327 In Re The Selden Ring Living Trust
B128538 v.
 Ring

Merits:
Argued by Ovvie Miller for respondent and by John A. Ruskey for appellants. Cause submitted.

Vogel (Miriam A.), J. returns to the bench.

DIVISION ONE (Continued)

B128568 Preston
 v.
 Cedars Sinai Medical Center et al.

Merits:
Argued by Reynold Finnegan for appellant and by Adrian J. Guidotti for respondents. Cause submitted.

B133804 Sunset Life Insurance v. S.C.L.A. (Wilner, r.p.i.)
B137561 Wilner
 v.
 Sunset Life Insurance Company et al.

Merits:
Argued by Kevin M. Fong for appellant and real party in interest and by Kent R. Keller for respondent and by Edith S. Shea for petitioner. Cause submitted.

Spencer, P.J. leaves the bench.

B129820 Coleman
 v.
 International Church Of The Foursquare Gospel et al.

Merits:
Argued by Robert B. Coffin for appellant and by Timothy J. Harris for respondents. Cause submitted.

B123956 WM R. Clark Corporation
 v.
 Safeco Insurance Company Of America et al.

Merits:
Argued by Roy G. Weatherup for appellants and by Herman S. Palarz for respondent. Cause submitted.

Court adjourned at 11:22 A.M.

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed and the cause is remanded to the trial court with directions (1) to enter a new order striking the eight-year sentence imposed on count 2; and (2) to issue a corrected abstract of judgment (a) deleting the eight-year sentence on count 2, (b) reflecting that, on count 1, Woods was convicted of kidnapping to commit rape (not robbery), and (c) reflecting that, as to counts 3, 4, 6, 7, and 9, Woods was convicted of forcible oral copulation under section 288a, subdivision (c) (not with a person under age 14).

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B126523 Rosenfeld Meyer & Susman (Not for Publication)
v.
Wilshire-Camden Associates

The judgment is modified to reflect a figure of 67,659 "usable" square feet, multiplied by a \$1.62 per "usable" square foot rate, yielding a figure of \$109,608 rent per month. The matter is remanded for the trial court to calculate the reduction in attorney fees consistent with this opinion. In all other respects, the judgment is affirmed. Each party is to bear its own costs on appeal.

Boren, P.J.

We concur: Nott, J.
Mallano, J. (Assigned)

DIVISION TWO (Continued)

B130687 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Enos H.

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

B127453 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Enos H.

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

B131384 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Esmeralda M.

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

B118121 People
 v.
 Giles et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B134083 People v.
Kendrick

(Not for Publication)

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B135455 People (Not for Publication)
v.
Jones

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B133870 People (Not for Publication)
v.
Small

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

February 16, 2000-Continued

DIVISION FOUR (Continued)

B131617 People (Not for Publication)
v.
Parsons

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B121617 Cesar Diaz et al. (Not for Publication)
v.
Adco Equipment, Inc., et al.

For the reasons set forth above, the judgment is affirmed. Respondent to recover its costs on appeal

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B130628 Jack Leroy Martin (Not for Publication)
v.
Jerry Quyen Chau

For the reasons set forth above, the order dismissing Martin's action is affirmed. Each party to bear its own costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

For the reasons set forth above, we order that the abstract of judgment in this matter be modified as follows: (1) to delete the line under paragraph 6 which states that a “parole restitution fine” of \$10,000 was imposed; (2) to instead reflect a \$10,000 restitution fine pursuant to section 1202.4, subdivision (b); and (3) to instead reflect a \$10,000 parole revocation fine pursuant to section 1202.45, which is suspended until such time as Ponce might be placed on parole and later have that parole revoked. In all other respects the judgment as modified is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment consistent with this decision, then deliver copies of the corrected abstract to the Department of Corrections.

We concur: Grignon, Acting P.J.
Armstrong, J.

The order under review is affirmed. Cherry Mickles, as the conservator for the estate and person of Jennie J. Fite, shall recover her costs on appeal from Betty Fite-Robinson.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

B129612 Virgil Carter et al.
 v.
 Shirley Williams

THE COURT:

On February 8, 2000, the correct opinion was transmitted electronically to the Reporter of Decisions. In the signed opinion, two lines of text were inadvertently omitted. Therefore, it is ordered that the opinion filed herein be corrected in the following particular: At the top of page 4, add the following, including the quotation mark: “Ordinarily, the denial of a motion to vacate a judgment is not an appealable order. If the original judgment was appealable—as was the case here—allowing an appeal from

There is no change in judgment.